9.

THE Proceedings and Judgment Against the RIOTERS:

Viz.

Thomas Pilkington Esq;	*John Deagle.*
Samuel Shute Esq;	*Richard Goodenough.*
Henry Cornish, Alderman.	*Richard Freeman.*
Ford Lord *Grey* of *Wark.*	*John Wickham.*
Slingsby Bethel Esq;	*Robert Key.*
Sir *Thomas Player*, Knight.	*Samuel Swinock.* And
Francis Jenks.	*John Jekyll Senior.*

Who were Fined at the *Kings Bench* Court at *Westminster* on the 26th of this Instant *June*, 1683. for a Riot and Battery committed by them upon the Person of the late Lord Mayor, &c. in *Guild Hall*, at the Election of Sheriffs, containing what remarkably occurred in the Debates admitted upon passing Judgment of Fine.

As also the Fining of one *Mr. Turne*, for making a Riot upon the *Mayor* of *Rye*, in the County of *Sussex*.

Entred according to Order.

ON the Eighth day of *May* last, the Parties above mentioned were Tryed at the *Guild-Hall* of the City of *London*, upon an Information in the Crown for riotously, routously and unlawfully oppoſing the Proceedings in *Guild-Hall* on *Midſummer* Day laſt, upon the Election of Sheriffs to ſerve for the City of *Lond.* Country of *Middleſex*, & Aſſaulting Sir *John Moore*, then Lord Mayor, *&c.* which being by divers Witneſſes made apparent, and they by the Jury after ſome ſhort conſideration found guilty, Mr. Attorney General, on the 15th of *June*, *Anno*. 1683. moved in the Court of *King's Bench* at *Weſtminſter*, that Judgment might be awarded againſt them upon their former Conviction, in order to their being Fined for the Riot, *&c.* But the L. C. Juſtice *Saunders*, and Mr. Juſtice *Raymond*, by reaſon of their Indiſpoſitions, being neither of them on the Bench, Mr. Juſtice *Jones*, with the conſent of Mr. Attorney General, referred it to the 19th Inſtant, when Mr. Attorney again moved for Judgment, alledging the heinouſneſs of the Crime, *viz.* That it was an open Affront to Juſtice and Magiſtracy, and might prove an Evil Preſident if it ſhould eſcape unpuniſhed, which he prayed it might not do, but that ſince they had been fairly Convicted, the Court, in purſuance thereof, would Award ſuch Fines as might deter others from the like Attempts, *&c.* Upon this Motion Mr. *Williams*, of Counſel for the Defendants, moved, That ſeeing there had firſt a *Venire* been directed to Mr. *Pilkington* and Mr. *Shute*, late Sheriffs of *London*, and afterward an *Alias Venire* to the preſent Sheriffs, and yet that in the Information all the Defendants were joyned, though, as he ſuggeſted, that at the time of the firſt *Venire*, ſome of them were not made known; and that ſince Mr. *Pilkington*, Mr. *Shute*, *&c.* had Appeared upon the firſt, and many of the others not till the ſecond; he humbly prayed that an Error might be thereon aſſigned.

To

To which the King's Council replyed, That if any prejudice was sustained in the methods and manner of Proceeding to the Tryal of the Persons convicted of the Riot and Battery, it was sustained on the part of the King; and seeing he was willing to dispense with it [illegible] to their Advantage, for that they had a Legal Tryal, all of them pleading Not Guilty, and putting themselves upon their Country, to try the Issue between the King and them, which Country had found them guilty of the Offences before mentioned, and that now nothing remained but the Judgment of the Court in Awarding their Fines, &c.

To which it was replyed, That seeing they were Assembled in *Guild-Hall* upon Lawful Occasion, they could not be guilty of a Riot, or the like Misdemeanour, the Legality of their first Assembling not admitting thereof: But this Allegation was overruled by many demonstrations, plainly making it appear, that although an Assembly be never so Legally Convened, yet if they Tumult or break the Peace, the Legality of the Assembly cannot bear them out. And moreover, that when the Lord Mayor had Adjourned the Pole, the Assembly was no longer a Lawful Assembly, but ought immediately to have departed to their respective Habitations, which the Defendants not only delayed to do, but in contempt of Authority, continued the Pole, and in a Riotous manner Assaulted the Person of the Mayor. And that for Inference, If a Congregation be Assembled at a Church to hear Divine Service, which in it self is lawful, yet if blows happen, or a Riotous or Disorderly Tumult is made, the Legality of the Meeting shall in no wise excuse the Authors of such Disorders from the Penalties of the Law, &c. of which Opinion were not only the Counsel for the King, but the Judges likewise.

These, and such like, being the Arguments of this day, Mr. Justice *Jones* being indisposed, and Mr. Justice *Raymond* not sitting upon the Bench, the pasing Sentence was deferred till *Friday* the 14th Instant, and from thence till *Monday* the 25th Instant, at which time Mr. Justice *Jones*, being indisposed, it was put off till this present *Tuesday*, being the 26th of *June*; when as Mr. Attorney moved for Judgment, requiring that the Parties found Guilty upon the Information, might be Fined, and was seconded by Mr. Serj. *Jefferies*, both of them praying that they might have good Fines set on them, as an Example to deter others from the like Attempts; as also did Mr. *Jones* of Council for the King, when on the other side Sir *F. Winnington*, Mr. *Williams*, Mr. *Wallop*, Mr. *Pollixfein*, Mr. *Thompson*, and Mr. *Holt*, of Council for the Defendants, urged many Arguments for the Extenuation of the Fines, seeing they were at the mercy of the Court, alledging, that the Defendants did that of which they were convicted rather out of Ignorance than Malice, or any Design they had to injure or affront the Government, it not being then capable to determine whether the Right to Adjourn the Common Hall lay in the Lord Mayor or Sheriffs. But after the Arguments on both sides had been heard, Mr. Justice *Jones* proceeded to declare the Hemoulness of the Fact, and what an Evil President it might prove if it should pass unpunished; and after some Conference with Mr. Justice *Withens*, he proceeded to Award their Fines as follows:

On Thomas Pilkington Esq; by reason of his being a Prisoner, only 500 l. *S. Starkie* Esq; 1000 Mark, *Lord Grey* of *Werk* 1000 Mark, *Sir Tho. Player* 500 Mark, *Sir Timothy Tyrrel* 500 Mark, *Sir Thomas Bludworth* 1000 Mark, *Sir Robert Clayton* 1000 Mark, *Sir Thomas Pilkington* 1000 Mark, *Sir John Moor* 1000 Mark, *Sir Robert Hanson* 1000 Mark, *Sir Samuel Dashwood* 1000 Mark, *Sir Robert Jeffery* 1000 Mark, *Sir Robert Clayton* 1000 Mark, *Sir Robert Peake* 1000 Mark, *Sir Robert Hanson* 1000 Mark, *Sir Samuel Dashwood* 1000 Mark, *Sir Robert Jeffery